

REMARKS

Priority Claim

Applicant requests that the Examiner acknowledge the timely made claim of priority under 35 U.S.C. § 119(e) to U.S. provisional application 60/474,368 filed May 30, 2003.

Information Disclosure Statement

Applicant filed an Information Disclosure Statement on June 13, 2005. Paper copies of the foreign patent documents were not included, but rather, electronic copies (as pdf documents) were submitted on a CD (see Compact Disk Review Checklist dated June 13, 2005). However, it is unclear whether or not these references have been placed in the electronic file wrapper of the present application. Because it is unclear whether the electronic copies of the foreign patent documents have been placed in the electronic file wrapper of the present application, a Supplemental Information Disclosure Statement was filed on November 21, 2006, that included paper copies of the foreign patent documents that are cited in the June 13, 2005 Information Disclosure Statement. These references are cited again in the November 21, 2006 Information Disclosure Statement – Form 1449 along with *additional* references submitted for the Examiner's consideration. It is kindly requested that the Examiner acknowledge the the references cited in the Information Disclosure Statements by returning a copy of the 1449 forms bearing the Examiner's initials, signature, and date in the next Office communication. Given the number of references cited in the Information Disclosure Statement, Applicant invites the Examiner to contact Applicant's representative in order to facilitate prosecution in the present application.

Response to Restriction Requirement and Claim Amendments and Rejoinder Request

Applicant elects Group II (Claims Claims 1-11 and 16-26, drawn to compounds or compositions of or based on claim 1 where the base is a pyrimidine) without traverse. Applicant also elects the species disclosed in Claim 11 for examination purposes only (also please see compound 1 identified in the attached Appendix). Should the Examiner find the elected species to be allowable, Applicant requests that the Examiner expand the search to include at least the

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species shown in the Appendix in the following order: 2, 3, 4, 5, 6, 7, 8, and 9: (MPEP 809.02(a)).

The claims are amended prior to examination to reflect the present Group II election and also to make cosmetic changes to the claim language. Upon entry of the amendment, the subject matter of non-elected claims 27-30, 42-45, 57-60, 72-75, 87-90, 102-105, and 128-129 are canceled without prejudice. No new matter is believed to be added upon entry of the amendment. Applicant reserves the right to pursue the non-elected subject matter in at least one divisional application.

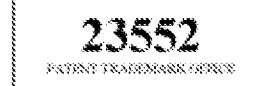
The non-elected method claims (31-41, 46-55, 61-71, 76-86, 91-101, and 126-127) are amended so that they now depend directly or indirectly on the elected claims of Group I. Since these non-elected method claims are methods of using or making the elected compounds, when the elected claims are found to be allowable, then rejoinder of the non-elected method claims would be proper and is respectfully requested (see MPEP 821.04).

An action on the merits and allowance of the claims is respectfully requested. If the Examiner believes that a telephone discussion would advance prosecution of the present application, the Examiner is once again invited to telephone the undersigned.

In the event that Applicant owes a fee that has not yet been paid, Applicant requests that the Office charge any additionally required fees to deposit account no. 13-2725.

Respectfully submitted,

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/s/ Daniel R. Evans
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